

Patrick F. Bright (State Bar No. 68709)  
**WAGNER, ANDERSON & BRIGHT PC**  
3541 Ocean View Boulevard  
Glendale, California 91208  
Telephone: (818) 249-9300  
Facsimile: (818) 249-9335  
E-Mail: [pbright@brightpatentlaw.com](mailto:pbright@brightpatentlaw.com)

*Attorneys for Plaintiff SmartMetric, Inc.*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## SMARTMETRIC, INC.,

Case No. 11-CV-7126 MWF (AJWx)

Plaintiff.

SMARTMETRIC INC.'S NOTICE OF  
MOTION AND MOTION FOR PARTIAL  
SUMMARY JUDGMENT OF  
INFRINGEMENT OF U.S. PATENT  
6,792,464 CLAIMS 1, 5-7, 11, AND 13,  
AND FOR DISMISSAL WITH  
PREJUDICE OF THE ANTICIPATION  
AFFIRMATIVE DEFENSE

MASTERCARD INTERNATIONAL  
INCORPORATED AND VISA INC.

## Defendants.

Date: May 13, 2013

Time: 10:00 a.m.

Place: Court of District Judge Fitzgerald

## AND RELATED COUNTERCLAIMS

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2 Please take notice that Plaintiff Smartmetric, Inc. ("Plaintiff") will move this  
3 Court, on May 13, 2013, under Rule 56(a), Fed. R. Civ. P., for partial summary  
4 judgment that Defendants' EMV systems literally infringe claims 1, 5-7, 11 and 13  
5 of Plaintiff's U. S. patent 6,792,464 (the "464 Patent") in suit, and to dismiss with  
6 prejudice Defendants' affirmative defense of anticipation. The place/time of this  
7 motion is Judge Michael W. Fitzgerald's courtroom 1600 at 312 N. Spring Street,  
8 Los Angeles, CA 90012, at 10:00 a.m. The motion is based on Plaintiff's Notice  
9 of Motion and Motion, Plaintiff's Memorandum in support of the motion, Edward  
10 Gussin's declaration, Plaintiff's Statement of Uncontested Facts, Plaintiff's  
11 proposed order granting the motion, opposing and reply pleadings, if any, and such  
12 argument as this court may hear.

13  
14 Dated: March 26, 2013

15 Respectfully submitted,  
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18 By:   
19 Patrick F. Bright (SBN 68709)  
20 3541 Ocean View, Blvd.  
21 Glendale, California 91208  
22 Telephone: (818) 249-9300  
23 Facsimile: (818) 249-9335

24  
25  
26  
27  
28 Attorneys for Plaintiff  
SMARTMETRIC INC.